



XUM



The PREFACE.



When I first ventured, how weakly soever, to discover my Opinion, in that so much controverted Question, about Gods Decrees, and therein did expressly oppose the Arminian Tenets, I knew very well with what a company of angry men I had to do, and therefore did prepare my self to beare all the scornfull and contumelious Languages, which either Mr. Pierce or any of his Party should think fit to load me with. So that in Mr. Pierce's late Reflexions, to find my Discourse slighted and undervalued as weak and feeble, to have it charged with gross absurdities, and palpable mistakes, and to be represented my self as one deprived both of sense and reason; these are but Mr. Pierce's

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foame, I mean his usuall Complements; and had the evill spirit in him made him rage no farther, I should have thought my self obliged to him for these publick marks of honour: For to be vilified and disesteemed by Mr. Pierce, is enough to indeare any one into the opinion of all good men, since those famous and precious names of Calvin, Beza, Perkins, Twisse, &c. do all lye under the same contempt and obloquy.

But Mr. Pierce, who seems much enamoured upon his own numerous Issue, fearing perhaps that those few leaves he vented against me would not be regarded, if he put not something in them which might provoke an Answer; or else desiring to render himself as famous for railing, (which is an excellence I cannot deny him) as some of his well willers mistake him to be for Rhetorick; He ushers in his Reflexions with a downright taxing me of Treachery and ingratitude to Mr. Busby, and thence would insinuate that I flew to Gods absolute Decrees for Patronage: So bold is this unworthy Man to dally with those Decrees, which who so understands, must needs tremble to think of.

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I need not mention how little this slander does advance Mr. Pierce's cause, for were I indeed as black and criminal in that matter as he would maliciously render me, yet this hath no influence upon the Subject of our Controversie: But if it shall appear that I have been on all sides the injured Party, not supplanting Mr. Busby, but in a gross and disingenuous manner supplanted by him; then I hope all indifferent Persons will confess that Mr. Pierce hath mistook the Temper of his Adversary, and will so farre right me in their thoughts, as to thinke I might have deserved a little Nobler usage.

The Preface.

To prevent, so far as I can all future mistakes; and to clear up those prejudices under which I may lye from that unhappy Contest with Mr. Busby my quondam Master, I have here given the world a faithfull account of that business; and though possibly many judicious and sober Persons may not thinke it worth my while to take notice of every railing accusation, yet since the being silent under so heavy a charge, will make it suspected for truth; I have been forced to lay hold upon that opportunity for my vindication which Mr. Pierce's incivility (to say no more) hath offered me; since, as the case now stands, without discovering my own innocence, and Mr. Busby's injustice, I could neither recover that reputation I have lost, nor retrieve that little which is left me.

As for those Honourable Persons, for whom I alwaies did and ever shall preserve a Cordiall esteem, who were unwittingly engaged against me, and whose too generous and unsuspecting nature made them apt to be worked upon by Mr. Busby's Artifices, when they shall see the whole design unravelled, and can take an intire view of that business which they heard and judged on only by snatches; perhaps then they will change their mind, and divert their anger from me who quietly suffered, unto him who so unhand somely deceived them. However the issue be, I am, I thank God, equally prepared for all events, and so I can but secure my Credit, I shall, as to other things, not think my self a loser; since infamy is worse than death, and to suffer still under the notion of an evill doer, is but to open more moutbes to my dishonour.

Yet though I am thus enforced to appeare in my own Cause, I have not so farre consulted my Passion, as to let that endite any part of my ensuing Narrative: for I have neither added to, nor omitted a circumstance of what is publickly recorded; so that bating those failings which necessarily cleave to the writings of every man who thinks himself wronged, I dare promise the Reader an Impartiall story, and I beg nothing from him but an impartiall Sentence.

Christ Church,
May 6th 1659.

Edw. Bagshawe.

A true and perfect Narrative of the Differences between
Mr. *Busby* and Mr. *Bagshawe*, the first and second Masters of
Westminster School.



When I came from *Oxford* to *Westminster*, in the beginning of the year 1656, I brought along with me all the Respect and Affection for Mr. *Busby*, which either his Kindness to me when I was his Scholar, or his Friendship after, could deserve or challenge from me: and at that time I had no one thing, of private concernment, more prevalent in my thoughts, than to find out a way, how I might do Mr. *Busby* some Acceptable Service. For the effecting of this, I found then but too sad an opportunity offered, since, what by the Recells of Mr. *Vincens* the second Master, and the intended Departure of Mr. *Littleton*, who had for some time supplied his Room; together with an Execrable Fact committed lately before by Mr. *Busby*'s Nephew *John Busby* (for which he was forced, or rather suffered to fly) I found the School so sunk in Learning, and so lost in Reputation; that scarce any one of Learning or Ingenuity would undertake an Employment in it.

In this Distress Mr. *Busby* did by Mr. *Littleton* signifie unto me, how ready he should be to Assist me, in case I would stand to be second Master; which Place, partly out of Pity to the School then almost ruined, but principally out of Complaisance to Mr. *Busby*, I was content to accept of.

I must not forget, that at that time Mr. *Busby* did appear very Zealous and Earnest for me, which I did then interpret to proceed from an Excess of Love, but since I have been forced to make other Reflexions upon it. Because

First, Whatever Mr. *Busby* did or could say for my being fitly Qualified, for the Discharge of that, or any other Scholler-like Employment of a much higher Nature, was in a Full and Ample manner Attested by all the Prebends of *Ch. Church* under their Hands: Their Testimoniall was as follows

We whose Names are underwritten, do testifie concerning Mr. Edward Bagshawe Master of Arts, and Student of Christ Church, That in all his Exercises, both in Publick, as to the University, and in Private, as to the Colledge; he hath justly gained the Repute of one Eminent for Learning: he is likewise, so farre as we know, Orthodox in Judgment, and very Studious and Civil in his Life and Conversation.

March 7. 1656.

Ralph Button.
Ambrose Upton.
John Langley.

Tobiah Cornish Sub.D.
John Wall.
Henry Wilkinson.
Christoph. Rogers.

To which three Students of my nearest Acquaintance, and of Unblissed Integrity added this;

We whose Names are underwritten, do Testifie concerning Mr. Edward Bagshawe, That besides his great and unquestionable abilities in Learning, he is, to our knowledge, of a very Godly Life and Conversation.

April 13. 1657.

Thomas Cole.
Anthony Ratcliffe.
Nathaniel Bull.

All this was repeated at large, and enforced by our Reverend *Dean* then Personally present; so that for Mr *Busby* to appear earnest for one, who was thus recommended by those, whose Judgment, he, as a *Student of Ch. Church*, is bound to follow, this was no more than any stranger so qualified, might justly expect and look for from him.

Secondly, As I was not at all Ambitious of the Place of *second Master*, so was I particularly carefull not to desire Mr *Busby's* Assistance; not onely because I was not willing to be too much obliged, which yet to an Ingenuous Temper is excuse enough; but.

First, Because the Reverend the *Dean of Ch. Church* had voluntarily undertaken the Business for me, and did Personally appear in my behalf; on whose single and unquestionable Interest as I thought it Prudence to rely, so I could not but think it my Duty to be entirely Beholding to him.

Secondly, Because at that time, I, being wholly ignorant of Mr *Busby's* Interest in the *Governours*, did really think that his Interposing would prove prejudiciall to me; for whatever opinion may be conceived of Mr *Busby*, yet the *Governours* might justly suspect that there was an Evil Design carrying on by the *Two Masters*, when one of them should have an Influence upon the Choice of the
Stat. de Duobus other; especially since, by the *Statutes*, both of them are
Precept. Equally to be Chosen by, and to be Subject to, the same Authority.

I am therefore now apt to believe, that Mr *Busby's* unasked and officious Earnestness at the *Election* in *May 1656*; did not so much proceed out of any intended Kindness to me, as out of a Hope, that this enforced Favour would render me more Servile and Obnoxious unto his Designs.

For presently after my Establishment, by his many Affronts in Publique, and by his frequent Quarrels in Private, about so petty things that I am ashamed to repeat them, such as—the sitting with my Hat on at Church, my slighting of Arabick, my not overvaluing his Greek Grammar,—and other Trifles of a much Inferior Nature, Mr *Busby* had made me weary of my Place, long before he took an occasion to force me out of it:—In the Relation of which Business, I must entreat all those, who think any thing of so petty a Concernment worth their Notice, that they will wish me admire Mr *Busby's* exact Subtilty; for I beleeve there was never Greater Art and Cunning used, than in the several Scenes and Contrivanees Mr *Busby* laid for my Undoing. The beginning was thus;

On Thursday *July 2. 1657.* Mr *Busby*, altogether unknown to me, came from *Chilwicke* to *Westminster*; and, as if he had nothing to do there, but to shew his Zeal for the *Statutes*, he moved the *Governours*, that, according to the Letter of the Statute,

Statute, the *Upper Master*, who till then had taught onely the *fifth, sixth and seventh Formes*, might now have the Institution of the *fourth*, together with those other; and that the *second Master*, who till then had taught the *third and fourth*, might now be put down to Teach the *Puny-Boyes* in the *first, second and third Formes*; and this *Mr Busby* proposed onely in Generall termes, without ever acquainting the *Governours* with the long Usage of above threescore Years to the contrary, or so much as mentioning how that Change would reflect upon me.

This Motion was made, and the *Governours* viewing the *Statutes* and not knowing *Mr Busby's* then drift, but finding the *Statutes*, as to the Letter of them, to be as *Mr Busby* had alleaged, they presently granted his Desire; and an *Order* was immediately drawn up, and, so Great and Passionate was *Mr Busby's* haste, that very night conveyed to me. The *Order* was as followeth;

July 2. 1657.

Upon what hath been now represented unto the Governours, and upon perusal of the Statute, the Governours do declare; That the School-master ought to have the Care and Instruction of the Scholars in the fourth, fifth, sixth and seventh Formes; and that the Usher ought to have the Care and Instruction of those in the first, second and third Formes, and do order that the same be observed accordingly. And for the Encouragement of the said Master in his great Care and Diligence, the said Governours do declare; That they will upon all occasions maintain and uphold him in the Exercise and Enjoyment of all his just Rights and Privileges as Master of the said School, so farre as concerns them: and that both the Master and the Usher have Copies of this Order delivered unto them.

This *Order* was delivered to me that very night, at which I was more than ordinarily surprized, because I found my self put to that Dilemma, that if I did not Obey it, I should be turned out for Contempt; and if I did Obey it, I was to engage in and undergo all these following Inconveniencies;

1. I was presently in all haste, in that hot and sickly season of the year, to be removed unto *Westminster from Chiswicke*; where I had fixed my Residence for that Summer, and where likewise, upon all Removes of the Colledge, the *second Master* is by Statute^b, obliged to be.

2. I was not heard to speak for my self, and yet was condemned, like a Worthless Person, to teach the lowest Elements of Learning: A tedious and unpleasant Toyl! from which my Predecessors by virtue of a long Custome had been altogether freed. For ever since the Famous *Mr Gambdens* time, (who preceded me both in that Place and Priviledge) the *second Master* taught onely the *third and fourth Formes*; and for the Instruction of the *first and second*, there was constantly an *Usher* deputed by the *Upper Master*. Which Course was found very usefull to the School, and very Convenient for both the Masters, for above 60 years together, till *Mr Busby* in that Clancular and Disingenuous manner did seek an Alteration.

3. Though

3. Though Mr *Bushy* did pretend thus zealously to urge Statute; yet I found afterwards that he did conceal a very material part of it, viz. the Qualifications of the Scholars which were to be in those three lower Forms: For, by the *Stat. de Statute*, none are to be admitted into the School, but such as have

Admis. perfectly learned their Grammar, and can at least write indifferently well. Whereas Admissions have been all Mr *Bushy's* time so Irregularly made, that now I was obliged to Teach many who could not Write, some that could scarcely Read, and almost all who were yet to begin their Grammar.

Lastly, Though Mr *Bushy* to put an Affront upon me, and to make me weary of my place, did plead so earnestly for Statute in this Case, yet I found that many other Statutes, as well as that, had been long disused; all which, notwithstanding his Oath and pretence of Conscience, Mr *Bushy* still without scruple continues to Violate. Such are

1. *That the Upper Master is not to Admit Scholars, remove Formes, nor not so much as to give a Play-day by his sole Authority.*

2. *That the Upper Master is not to have above four Boarders, and those are to Diet in the Colledg-Hall.*

Whereas Mr *Bushy* all his time has had between thirty and forty at a time, and they boarded at excessive Rates in his own House.

3. *That the Upper Master himself is constantly to Diet in the Colledg-Hall, or to lose his Commons.*

Whereas Mr *Bushy* is not only alwaies absent, contrary to his Duty, but has gained near upon 80^{lb} per An. for his Diet, which is more by above half than the Statute allows.

4. *That the Upper Master is not to take Admission-Plate of his Boarders, but it is to be given in to the Use of the Colledge.*

Whereas Mr *Bushy* hath not only received Plate of a very great value from his Boarders, but challenges it as his Due.

These with many other Statutes of the like Nature, have been by Mr *Bushy*, in a higher measure than by any of his Predecessors, constantly broken. And at that time he was pleased to take no notice of them, but only sought to enforce so much of Statute, as might prove a snare to me. And though Mr *Bushy* did not feare to say before the Governours, that he was moved to make this Alteration only out of Conscience, and because of his Oath; yet that his Zeal should not much more put him upon re-inforcing those forementioned Statutes, (by the Breach of which the Colledg is infinitely damaged) this has in it more of Crime, than I am willing to give a Name to.

This being the posture of my Affaires upon the Receipt of that Order, none can blame me if I then began both to admire and dread the virtue of Mr *Bushy's* Politicks, who had such close and secret vengeance in store against me, before I knew that I had at all offended him.

However the issue of this Business was, I doubt not, much contrary to Mr *Bushy's* Expectation; for whereas he hoped that in disdain of his injury, I would present-

ly have renounced my Place, and never have complied with so mean an Employment, as he had reduced me to; I on the contrary did resolve to stay, and see unto what Issue Mr *Busby* would drive this his Innovation.

I did therefore without delay submit unto the *Governours Order*, and the very next day removing my self, I diligently attended the Duty of that Place to which I was degraded. Nor did I at it discover the least Resentment, as will appear by this following address, which I made to the Governours the *Thursday* following, *July 9.* 1657.

May it please your Honours:

HAVING received an Order from your Honours, dated *July 2.* wherein you are pleased to intimate, that you have a mind the Schoole-Formes should be reduced to Primitive Institution, and Letter of Statute; These are humbly to enforme your Honours, that though the contrary Usage hath been of above sixty years Continuance, and seems to be little less then Essentiall to the well-being of the Schoole; yet I both have and shall God willing, continue to Obey, whatever your Honours think fit to command.

I humbly therefore desire, that I may have leave to peruse the Colledg-Statutes, not only that I may know what Books I am to Teach, but likewise that I may learn what are those Priviledges which belong to Mr. *Busby* as Upper Master. All which I shall be so carefull to observe, that whereever the Statutes are Defective, I shall supply them by a Voluntary and Cordiall Respect.

And because this alteration may possibly reflect upon me, among those who have been ignorant of my Life and Conversation, as if I had behaved my selfe unworthily in the Place, which hitherto I have discharged, and for that cause am now put down from it. I do therefore humbly intreat your Honours, that a severe scrutiny may be made into my Life, ever since my coming hither; of which when your Honours are satisfied, I shall with the more comfort attend that other Employment, to which I am now reduced. For since I may possibly be called away very suddenly from this Place, I know nothing, next to the Testimony of a Good Conscience, which I do more desire to carry from hence, than your Honours Approbation.

Signed,

Edward Bagshawe.

B

Upon

Upon reading of this, I being called in, and having a Publick Testimony given me, in the presence of Mr *Busby*, that the Governours did not intend to reflect upon me in the least manner, I withdrew chearfully to teach my little Boyes, and so continued all that Summer; not omitting, in the mean while, any kind of Respect to Mr *Busby*, both by my Letters and frequent Visits, which I hoped might prevail with him to allay his Fierceness, and so put out that Flame of Contention, which Mr *Busby* himself by his indirect dealing had kindled.

But this evenness and seeming Insensibility of my Temper, only laid me open to New Projects; for Mr *Busby* having with so much ease, and as he thought undiscovered Art, compassed his first design; which was to levell and lay me low enough; his next Plot was to make his *Minion* and *Usher* Mr *James* step over me, which according to his former Arts of surprize and secrecy, Mr *Busby* thus effected.

On *Octob. 29. 1657.* Mr *Busby* presently after his Return from *Chiswich*, (which he unseasonably hastened for that very purpose, the Schoole not being then fit to receive the Scholars,) came to the Governours, and moved for leave to take an *Assistant*, pleading *Old Age, and that he wanted a Crutch*, with other Arguments remote enough from his True design: But insisting principally upon a Verball Concession made to that purpose at the *Election*, 1656. when as then the alteration of the *Formes* was not so much as intended.

I hearing that Mr *Busby* intended to move this business, and being unwilling to be surprized again, as I was by the former Order, I made bold to write a Note unto an Honourable and truly Noble Person of the Governours, † The Lord *Bradshaw*, † humbly intreating him if Mr *Busby*, who carefully concealed all his Designs from me, should propose any such thing to the Governours, that then he would be pleased to intercede so farre on my behalf, as to obtaine leave for me to be first heard, I having many things to urge against it, and conceiving the Peace and Welfare of the School absolutely to depend upon it.

This Just Request did prevail so farre with that Honourable Person, that he was pleased not only to Represent, but by many Arguments to enforce the Equity and Reasonableness of it; which occasioned a long Debate, but the Issue was, that Mr *Busby* had his Will, as will appear by this following Order.

Octob. 29. 1657. The Governours having this day been made acquainted by some of their Number now present, that at the Election in the Year 1656. there was a Consent given and declared by the Governours to Mr. Busby's proposall of having an Assistant to him at his own Cost, for his better governing and instructing of the Scholars, do now Resolve not to alter or do any thing to the Prejudice of that declared Assent, but do think fit for the present that Mr. Busby do proceed therein accordingly. And in Case Mr. Bagshawe has any thing to offer unto the Governours concerning this Order, he may be heard on Thursday next; and he is required not to disturbe Mr. Busby in his proceeding according to this Order

der. And it is Ordered, that Copies of this Order, signed by the Hand of the Chaire-man be forthwith delivered to Mr. Busby and to Mr. Bagshawe respectively.

When this Order was delivered to me, though I saw my self thereby in a manner prejudged, yet that I might not be wanting, both to my own and my Successors Right; I did appear at the time appointed, and declared my Reasons against an Assistant in this following Speech.

May it please your Honours:

Having permission by your Honours Order, dated *Octob. 29.* to represent my Thoughts concerning an Assistant (which it seems is claimed by virtue of a Verball concession made to that purpose in the Year 1656.) I come therefore humbly to enforme your Honours; that if the state of the School were in the same Condition now, it was in heretofore; I should avoid not only any Dispute but any Discourse about this Business. But things being now, and that at the Instance of Mr. *Busby*, put into another Method, and fixed upon another Bottom, I do humbly conceive, that whatever Indulgence might be assented to in the Year 1656. as relating to the Constitution then, may justly admit of a New Debate, now it is thought fit that that Constitution should be altered.

For then Custome was our chief, if not our only Rule; but now your Honours have reduced the Formes to the Letter of the Statute (by an Order dated *July 2.* which I have ever since punctually observed) I humble suppose that Statute now is to be our Rule throughout, to which I both have, and shall willingly submit. --- Therefore

1. Upon perusal of the Statutes, I cannot find in them the least mention of an Assistant; especially as is now intended, to be superinduced over the second Masters head without his consent; since both the Masters are equally joyned in Commission, and as farre as relates to the Government of the School, in Equall Authority and Priviledge. Besides if your Honours please to confine us to the Number of six score Scholars, which in the Statute is precisely enjoyned, there will be found so little need of an Assistant, that I am

confident it will not be at all contended for.

2. The Statute being exprefs, That there shall only be two Masters; who are to have Authority over and Influence upon the Whole School: this Interposition of a Third Person, will breed many Distractions in the Government of the School; not only in taking off that Obedience and Respect which is due to the Second Master; but likewise in occasioning many misunderstandings between the Two masters, which will break off the Union of their Correspondence.

3. It will be a very Ill President for the future, for though Mr. *Busby* may deserve all possible favour in his own Person, yet your Honours have had sufficient Experience, how often Presidents are abused to other ends, than were at first intended. So that what now is granted to Mr. *Busby's* merit, may hereafter be made use of, to palliate his Successors pride and idleness.

Thus in Obedience to your Honours Order, I have plainly, and I hope with that modesty which becomes me, offered my Reasons, why, if things continue as at present they are, an Assistant ought not at all to be desired by Mr. *Busby*, much less granted by your Honours. Wherein I have not at all mentioned how the present Alteration, both as to the condition of the Formes, and Quality of the Assistant, hath very little other Visible Face of Convenience in it, but what is joyned with my Diminution and Disparagement.

But I shall wholly wave my self, for though (at least so farre as I am here entrusted by your Honours, and do not behave my self unworthily) my Comfort and Reputation is a little to be Considered: yet I am sensible that the good of the School is the greatest and most Superlative Interest, for the procuring of which the Interest of Particular Persons relating to it, is to weigh no more than the Dust of the Balance.

In Order to which good I shall humbly leave this Question with your Honours, viz. Whether it would not be much better, that Mr. *Busby* would suffer himself to be entreated, to let things go on, in the former Customary Way; which hath had the Experience and success of above 60 years, to commend it; than thus, of a sudden, without any Regard had to the Consequences of such a Change,

Change, or any Reason given why it should at all be made, to desire an Alteration.

Having said thus much, I have discharged my Trust, and am extremely sorry, out of my Respects to Mr. *Busby*, that in this Business, I cannot divide my Publick from my Private Capacity; in which none shall be more Ready and Willing to serve Mr. *Busby* than my self. But for the present I thought it my Duty (and I do think it the Bond and Obligation of every good Man) to endeavour to transmit my place unto my Successor, in the same Terms and with the same Advantages in which I found it.

These were some of those Reasons, which I enlarged in speaking, why an Assistant ought not at all to be Introduced. At which Time, I must needs acknowledge in Honour of the *Governours*, that I had by all of them a free and Favourable Hearing; and then my Reasons were thought so Weighty, that the *Governours* did Order me to give in a Copy of the Heads of them, to the Intent that Mr. *Busby* might answer them, which at their next meeting *Novemb. 12.* I did accordingly.

My Paper was as follows :

May it please your Honours :

BEfore I do make use of that Permission, which your Honours have given me; I do humbly entreat, for the avoiding of all mistakes, that you will please to look upon this Paper onely as a Case, and not as a Contest; with which your Honours had not at all been troubled, but that the Question not being, What was fit for me to do in Compliance, but what I ought to do in Justice; the Business was not capable of any other Accommodation, than your Honours Decision.

The Case therefore is briefly this ;

By a long and usefull Custome, for above 60 years, the Formes of the School were thus ordered ; the *Upper Master* taught the *fifth*, *sixth* and *seventh* ; the *second Master* taught the *third* and *fourth* ; and an *Usher* for the Ease of Both, and Benefit of the *Upper Master*, taught the *first* and *second* ; And this was the Posture of Affairs, when an Assistant was desired by Mr. *Busby*, and in some part, assented to by your Honours in the year 1656.

But since, and that at Mr. *Busby's* Instance, your Honours have

thought fit to reduce the Formes to the Letter of *Statute*; I humbly conceive, that, whatever was indulged before, as relating to the Custom, then, is absolutely void now; because the Custom, upon which that Concession was grounded, is quite taken away.

For now I both suppose and hope that *Statute* is intended for our Rule throughout, in which I do not find the least mention of an *Assistant*; neither indeed could it be there intended, because the *Statute* expressly limits the Number of Scholars to 120; for this very reason, that the Masters might not be burdened. So that if either of them do burden themselves, when they need not, it is but equall that they should bear their own Burden: And for Mr. *Busby* first to take so Unstatutable a Number, as to have above 170 under his own Care, and then to desire one to Ease and Assist him, because he is overburdened; this seems to signifie onely, that Mr. *Busby* hath a mind to make use of your Honours Authority, to Privilege himself in his Breach of *Statute*; and so Abuse your Indulgence unto a Patronage of his sinne.

Besides, there is that Provision made in *Statute* for the Assistance and Ease of the *Upper Master*, that the *second Master* is obliged to teach the *fourth* Forme two hours of the day, which Duty I am so farre from declining as a Burden, that I claime it as my Priviledg.

If therefore your Honours please to reduce us to the condition of *Statute*; I do in the behalf of my Successours, humbly crave the Benefit of it.

First, That the Number of *Scholars*, which are to be properly under the *two Masters*, may be, according to *Statute*, precisely but *sixscore*; of which I am ready to Teach as many or as few, as Mr. *Busby* shall think fit to Proportion me. And if your Honours please, either to Retein or to admit of any Super numeraries, they may be transmitted, as they were before, to the Care of an Assistant or Usher, who is to be Inferiour both in Place and Power unto the *second Master*. For certainly it cannot be thought equall, that a stranger, who is, no further than his Pay comes to, concerned in the Honour of the School; should be advanced above the *second Master*, and so take away the Comfort and Satisfaction of his Employment; which is not only to oblige by Teaching, but

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likewise to converse with those, who are some way capable of his Instruction.

Secondly, I humbly desire likewise, that all other *Statutes*, which have been disused, may now be re-enforced by your Honours; that so it may appear it was not a Designe to the Prejudice and Disparagement of any; but only an Universall Love of Law and Justice, which occasioned this Alteration.

I shall Conclude with this, That though most Standers by are sensible that the Present Change doth wholly reflect to my Diminution and Disgrace, yet were it only my own Concernment, my Respects for Mr. *Busby* would have made me suffer in silence. But the Dispute being about Right, and importing the Good of my Successors; I hope, as your Honours cannot take it ill, so neither will Mr. *Busby* take it unkindly, if in this Appeal I seem to preferre a Publick Trust, before a Private Obligation.

Novemb. 12.

Signed

Edw. Bagshawe.

This Paper was long debated, but the Issue was that Mr. *Busby* was not at all summoned to Answer, but then the *Governours* concluded upon this Order.

Resolved that the former Order concerning an Assistant, shall be confirmed and made Absolute.

What were the Reasons which induced those Honourable Persons to wave those Objections which I made, and to Vote a thing which seemed so Unsupportable, I cannot tell: only this is certain, that two of the *Governours* did. My Lord think this Order to be so inconsistent with their Trust, and so repugnant unto those *Statutes*, to which I appealed, that they departed before Mr. *Browne*. for the same was passed.

And now Mr. *Busby* being thus fully empowred, was not wanting to complete and to proclaim his Conquest; therefore the very next day he brought Mr. *James* into the School, and there with a great deal of Ceremony placed him above me, employing him, for the most part to teach the *fourth Forme*, from which I was so lately removed. Which Indignity was so much the greater, in that Mr. *James*, was, not only some otherwayes Inferiour to me, but likewise many years my Junieur in the University, and before that Change, *Usher* below me in the School. So that for Mr. *James* now to be Advanced, and for me at the same Time to be put down, had in it as much of stinging disgrace, as the Wit of Man could invent. For what other Judgment

ment could either the Scholars or their Parents make of that Alteration, but that I was a very Ignorant and Unworthy Person, for which reason Mr. *Busby* had preferred Mr. *James* his *Usher*, to my Employment, whilst I was thrust down to attend his.

This I thought to be a Grievance of so severe a Nature, that I did in a Petition represent it to the Governours.

My Petition was this;

To the Honourable the Governours, &c.

May it please your Honours :

WHereas by an Order dated *Novemb. 12.* Your Honours were pleased to Confirm an *Assistant* to Mr. *Busby*. These are Humbly to informe your Honours, That I have performed what your Honours required from me, and that was Obedience.

But since some Use is made of that Order, which I suppose your Honours did not intend at the Grant of it; I do therefore humbly crave leave to acquaint your Honours, That one Mr. *James* is chosen by Mr. *Busby* for his *Assistant*, who before this Change was the *Usher*, and is many yeares my Junio^r in the University; Yet now under colour of your Honours Order, he is both in Place and Power placed above the *second Master*; though he serves here only for his Pay, without any other Trust or Statutable Obligation upon him.

By which meanes likewise of those *sixscore* Scholars, which by the *Statutes*, are to be Taught precisely by the *two Masters*, above one hundred of the Uppermost are appropriated to Mr. *Busby* and his *Assistant*, whilst I am (and all those who succeed me will be) put down to Teach Children so Raw and Illiterate, as the greatest part of them, are, by the *Statutes*, altogether unfit to be admitted into the School.

I do therefore humbly entreat your Honours, that you will please to redress this Grievance, the Consequence of which will be so extremely Prejudiciall to my Successours.

My Lord *Bradshawe*,
S^r *Wil. Brereton*, M^r
Sey, D^r *Stephens*, &c.

This Petition was by many of the Governours thought so Reasonable and Just, that they pressed it might be taken into consideration, and a day set apart for the fuller examination of it; but after a Dispute of at least five or six Houres it was carried

carried by the Major part, that it should not be taken notice of.

Being now made sensible how hardly I was dealt with, and fearing that the *Governours* had entertained privately a very ill opinion of me; because I had heard that Mr *Busby* did upon all occasions insinuate strange things to my Prejudice, all which were the more likely to be believed, since Mr *Busby* all this while pretended extraordinary kindness to me; thereby setting off, as well as covering his secret and Unappeaseable spleen against me; I thereupon thought my self obliged to make this Voluntary Appeale to the *Governours*.

The Petition was as follows.

To the Honourable the Governours, &c.

May it please your Honours:

I Was very sensible when I first appeared before your Honours, that I had little hope to prevaile in a cause, where Mr. *Busby*'s Personall Merit, and long Prepossession of your Honours Favour, were Arguments enough to deterre any from opposing his Desires.

However the Justness, as I apprehended, of my Cause, and the Duty I owe my Successours, made me break through all those Discouragements; and I have endeavoured to assert my Rights, though I hope with that Moderation and Temper which is consistent with the strictest Rules of Respect and Gratitude.

But I am afraid that I have not been used with Equall Tenderness, and that some things may have been secretly insinuated unto my Prejudice, tending to Disparage and asperse my Life and Manners: and thereby rendring me an Object not only of your Honours Rigour, but of your Hatred.

I do therefore humbly entreat your Honours, that if I have been misrepresented unto any of you, I may not be concluded Guilty before I have been heard; and that none, under your Honours Government, may have liberty to whisper an Accusation, but what they will openly attest.

It is therefore my Last Request, for I am resolved to dispute no longer, that your Honours will please fully to enforme your selves, concerning my Behaviour ever since I came into this Place; for I think I have lived with that Integrity and Innocence, as your Honours will rather look upon me with a Favourable eye, for

quiet suffering so much, than think I have been Tenderly used, in that I suffer no more.

When I have fully satisfied your Honours as to that Particular, and cleared my self from any Imputation of Crime, I shall then either continue to obey with Comfort, or else Retire without Dishonour.

Novemb. 26.

Signed

Edm. Bagshawe.

This Petition was by me delivered into the Chaire-mans hands, but whether it was considered or not I cannot tell, for the very same day that this was offered, a New Triall was provided for my Patience. For Mr *Busby* having clearly gained to himself the fourth *Forme*, and thereby much encreased his Profit; having likewise obtained an *Assistant*, and thereby abundantly provided for his Ease; and in both These, which perhaps made him relish them the better, sufficiently disgraced me; his next Plot was to Remove me wholly, and so secure the Possession.

Therefore on Nov. 26. Mr *Busby*, altogether unknown to me, and without so much as discovering the least Appearance of Discontent, did put in Articles against me, and in this Following Petition accused me before the Governours.

To the Honourable the Governours of *Westminster-School*:

The Humble Petition of Richard Busby, Master of the said School, &c.

Humbly sheweth:

THat the School hath flourished these 19 yeares your Petitioner being Master. That your Honours were pleased to make your Order for your Petitioner's having an Assistant to him at his own Charge, for his better Government of the Scholars, Absolute.

Yet so it is that Mr. *Edw. Bagshawe* exercising the place of a Teacher in that School, (whether as second Master, Under Master, or Usher, or how he is stiled in his Patent, or whether he have a Patent, your Petitioner knows not) doth expresse great Discontent against the said Order for an Assistant, and therefore hath commanded his Scholars not to pay that Accustomed Civility, which is due from Scholars unto their Teacher, to the Assistant at his passing by them; and punished some of his Scholars for so doing. Whereupon so great disorder ensued, that the Respect was thereupon omitted to your Petitioner, which hath been these 19 years due to him.

Mr.

Mr. Bagshawe likewise did command the Monitour to put your Petitioner into his Monitours Bill, and to shew that Bill unto him; thereby exposing your Petitioner to be endited by his own Monitour, and pretending to a Power of Punishing your Petitioner.

Mr. Bagshawe did likewise send a Monitour unto the Assistant, to bid him hold his Peace.

Mr. Bagshawe doth likewise refuse to Teach poor Scholars, and hath turned out one for being Poor. The power of putting in, and turning out, being under your Honours, solely in your Petitioner.

Mr. Bagshawe doth likewise frequently take the Scholars from the School, to teach them in his Chamber, which may Occasion many Ill Consequences.

Your Petitioner therefore, as in all duty bound, doth entreat your Honours to prevent the Disorder and ruine of the School.

Novemb. 26.

Signed

R. Busby.

When this Petition was read to me by the Chairman, I was, as I had reason, very much surprized; and therefore fearing lest in passion I might speak any thing which would not become the *Governours* to hear, I did desire time to peruse the Charge and to study an Answer. But this request, though the known Rule of all Courts of Justice, was in favour of Mr Busby denied me; whereby I was obliged to answer his studied Charge *extempore*. However, it pleased God that I had full command of my Passions at that time, and my Answer was so farre from giving any New Offence, that it much satisfied many of the *Governours*; and they presently did seem to conclude Mr Busby's Charge, not only False but Frivolous.

Yet for Forms sake those Articles were examined three days together, and all the Boyes were brought in, as in an Enterlude, to hear what they could say either for or against their Masters; although with this difference, that my Scholars, though I was the party prosecuted, stood close to me, and Mr Busby's could not by any menaces be forced to say much against me.

When the Examination was finished, I craved leave that I might answer more at large, not only Mr Busby's Articles, but whatever seemed to reflect upon me in the discussing of them; which Liberty being granted, I did on Novemb. 30 answer as follows;

May it please your Honours :

IF it were a Crime to be Accused ; or if the Gravity of an Accuser, and Fierceness of the Prosecution could make any man appear Guilty ; I must needs be looked upon by your Honours at this time as very Criminall : for I believe, in no case was ever more endeavour used to enforce and sharpen an Accusation. So that it is very well the Cause was not Weighty, for I am sure the *Accor* hath not been wanting.

But since Mr. *Busby*, who was once my Friend, is now pleased to descend so much below himself as to turn my Accuser, I must entreat that his former Kindness (which I do yet thankfully remember, though Mr. *Busby* is upon all occasions too apt to urge it) may not now be at all considered : for of late Mr. *Busby* hath shown himself so little Kind, that I am afraid it appears too visibly, he hath, as to me, forgot what the meaning of the Word is. But Unkind is not all ; he hath been, I will still preserve my Respect and onely say, so unequall ; as that, to his other Advantages of Parts, Discretion, Gravity and Interest above me, he hath not omitted to add the unhandsome one of a Surprize : whereby he hath done enough to proclaim my Innocence, and to make his Charge suspected.

For I must entreat your Honours to resolve, whether any of the things for which I am accused, are of that Heinous and Offensive Nature, as that I ought not to have been privately admonished for them before I was publickly accused. Which Duty, not onely Civility doth require, but Christianity doth command from us : for that Precept of *Dic Ecclesia*, i.e. as some interpret, to a Judicall Assembly or Consistory, ought not to be practised, before all other ways have been used to reclaim and to mollifie the Offender.

But truly this Part both of Christian Charity and of Morall Obligation, hath been so farre from being used towards me, that I have been surprized all over ; even in those things, wherewith beforehand I did humbly entreat Mr. *Busby* that I might be made acquainted. *viz.*

1. The Order for Altering the Formes. *July 20.*
2. The Order for an Assistant, *Octob. 29.*

3. This

3. This Accusation. Nov. 26.

I will not say what I think of these things, but I humbly leave it with your Honours to judge, Whether such close and clandestine proceedings would not, in any other, favour of an Evil Design? and whether he, who seeks thus to wound another in the dark, doth not give just occasion to have his Intentions suspected.

Have premised this concerning the Manner, I shall proceed to the Matter of the Accusation.

And to begin with the Preface, I do confess that the School hath flourished not only 19 but now above 60 Years : Which, next to the Blessing of God, may principally be attributed unto the Prudent Introducing of that Custome, so lately altered. Whereby the Instruction of Raw Youths was provided for, and yet the Dignity of both the *Masters* preserved, without this Interposition of a *Third Person*, whose Teaching there being neither Statutable nor Fitting, hath already begot, the Usual attendant of Needless Change, Confusion.

For, whatever becomes of me in this Business, your Honours will at last find, that this School cannot be quietly governed, till both the *Masters* have equal Justice done them : Which cannot be, so long as a stranger, who hath no right, shall, under the Notion of an *Assistant*, be preferred, both in place and power, above him that hath. And therefore though your Honours were pleased to make your Order for an *Assistant* Absolute ; yet I did, in the behalf of my Successors, waite for such an Opportunity as this, to put in my Plea against it : both because I was not heard, nor my Reasons by Mr. *Busby* answered, when your Honours did confirme that Order.

Before I leave this Argument, I must crave leave to speak something unto a Clause which I find inserted in Mr. *Busby's* Petition ; and that is, that Mr. *Busby's Assistant* is to be maintained at his own Charge. This hath been much insisted on, as if it were not injurious to any, but rather Meritorious in Mr. *Busby* to keep an *Assistant*, he offering so liberally to maintaine him, without putting either the Colledge or your Honours unto any Charge.

I shall endeavour with all Modesty, to take off this Disguise ; for if Mr. *Busby* would indeed content himself with his Statutable

Number of 60 Schollars, and yet keep an *Assitant*; I should then think that either the Good of the School, or a Desire of ease might be the Motive: but if Mr. *Busby* take in as many super-numeraries as he pleaseth, and thereby swell the Number, as sometimes it is, to 200 in those four upper Formes; I hope then your Honours will conclude, that for Mr. *Busby* to keep an *Assitant* at a Pension of 40^l per Ann. will be much for his Ease, but more for his Profit. Indeed so very much, that the very purchase of it is worth twice as much as the Repairs of the School have cost Mr. *Busby*: from the Credit of which Action perhaps it is, that Mr. *Busby* doth thus presume upon your Honours Favour.

And yet the Revenew, though so very considerable, is not all; for the whole Comfort and satisfaction of Teaching will be annexed altogether to the *Upper Masters* place; in which if there be any trouble, the *Assitant* is to take it off. Whilest the *second Master* is condemned onely to be the Drudg of the School; and to spend his Life in an Employment so Mean and Inconsiderable, both as to the Books he is to teach, and the Persons he is to converse with, that no Gain can recompence so great a Loss both of Time and Patience. And so much I have to say in Answer to the Preface.

That which leads the Charge is, That I have expressed great discontent against your Honours Order of an *Assitant*.

Truly I will herein confess more than Mr. *Busby* can prove, and what he urges to Traduce, serves to justifie and set forth the Merit of my Obedience: for I must say, that I am indeed Discontented: but how? not at your Honours Order, for that I obeyed: but at the Means of Procuring it, and the Use which is made of it. For am I not strangely dealt with, when Mr. *Busby* requires me to do more then your Honours did? By your Order of *Job. 29*. I was commanded not to disturb the *Assitant*; Mr. *Busby* would have me bow down to him: that is, Your Honours would have me onely submit to, Mr. *Busby* would have me kiss the Rod.

Therefore I answer,

That I did indeed command my Scholars not to stand up and bow to Mr. *Jones*, at his going in and out of the School; because he was not their Teacher, and so no respect was due to him upon that score: and likewise because I could not but look upon him as an Intruder, and therefore I chose this way to Humble him.

But

But this Command of mine, could have no Influence upon them, to disrespect Mr. *Busby*; since I expressly told them, that to him only that kind of respect was due. And therefore if they had purposely omitted to stand up at Mr. *Busby*'s Entrance, must Neglect in them be a Crime in me? or am I to answer before your Honours for all the petty miscarriages of my Boyes? or can your Honours think that any of those little youths dare to affront Mr. *Busby*, who, whenever I am absent, and sometimes too when I am present, is not at all backward to punish them?

But if my Scholars did indeed not stand up once at Mr. *Busby*'s coming in, because as they say, they did not see him; and they did not see him, because it was so dark they could not see one another; then the necessity was unavoidable, and did not at all merit Mr. *Busby*'s displeasure: perhaps it might have become him better not to take publick notice of such poor things. For though I will make no Comparisons, yet, I must entreat your Honours to observe the difference of our Tempers: I who lye under as much Ignominy and Contempt as Mr. *Busby* can put upon me, have not yet so much as modestly complained: whereas Mr. *Busby*, for a Punctilio of Respect, not out of Slighting but meerly Inadvertency, omitted by my Scholars, prepares an Accusation against their Master.

Before I leave this Article, I must needs speak something to what is Insinuated, and that is concerning *Punishment*: especially because in the second Article the Word is repeated, and, as if I were strangely delighted in Whipping, I am accused of *pretending to a power of Punishing even Mr. Busby himself.*

I will speak first for my self, next to the thing.

1. For my self I both say, and have the testimony of all my Scholars to prove it, that none ever used that part of their Authority with greater Moderation than my self: in so much that Mr. *Busby*, who now accuses me, hath often complained to me, and seemed to take it ill, that I did not use the Rod enough.

2. For the thing, I will not dispute it by way of Common-Place with *Quintilian*, who thinks it altogether unfit, and of whose Judgment I am; but so farre as relates to this School, I could wish there were some order taken to limit and restrain the Exorbitance of Punishment: that poor little Boys may not receive 30, or 40, nay sometimes 60 lashes at a time for small and inconsiderable Faults:

I do

I do not say that this either now is, or heretofore hath been too Inhumanely practised ; but I do say, that it well becomes your Honours Charity for ever to Prevent it.

For my own part, whether it proceeds out of my Naturall Remissness, or out of a sense of the Indignity, that such kind of Punishment is neither fit for me to inflict, nor for my Scholars to suffer ; I could heartily wish that there were an Assistant in Whipping rather than in Teaching ; it would be well if the two *Consuls* here had their *Lictors*, that so we might not be both Judges of the Fault, and Executioners of the Sentence, for fear Passion, or something worse, do exasperate the Penalty.

Truly I have seen, I forget my self, I have heard I mean, so sad examples of Cruelty in this kind, that I believe I could make your Honours weep at the report of them.

To instance in no body else, within these few years, there was a Worthless and an Infamous Person taught here, Mr. *Busby's* Nephew *John Busby* by Name ; who did abuse the Liberty of Whipping to such an Excess and Extravagance of severity, that I do grieve for the Practise, but I blush to think of the Cause of it : and, I do, in behalf of the School, much wonder that the thing being so Notorious, was neither complained of, nor thought fit to be reformed.

I do humbly desire that for the future, this Barbarous Licence may for ever be abolished, for it were better the School should perish, than such an Execrable Use of Whipping should again be made-----*Pudet dicere in qua Probra nefandi homines isto cædendi jure abutuntur*,----*say's Quintilian*. I shall leave both the Interpretation of that Sentence, and the Comment unto your Honours.

So much for the first Article.

To the Second Article, wherein I am charged with pretending to a power of punishing Mr. *Busby*, &c. I need answer nothing but this, that Passion is alwaies hasty, but seldome just : for if Mr. *Busby* had given himself leisure to Cool, he could not have imagined me guilty of so Rediculous a Purpose. The whole Business was precisely thus,----One day I observing a great disorder in the School, by reason that all the Upper Schollars stood up and bowed to Mr. *James*, which was a kind of Respect, that as I never challenged my self, so I could not think it due to him. Thereupon

I called

I called the *Monitour* to me, and bade him tell me why those Upper Scholars were so over Civill; he told me; that Mr. *Busby* had commanded them: upon this I bade him write down that Answer of his in a piece of Paper, and give it me with his Name Subscribed; which I did to the Intent, that when I complained to the Governours, he might not deny his Testimony. --- And this it seems is by Mr. *Busby* interpreted to be putting his Name in a Bill, &c. So easie is it for a Jealous Head to misconstrue an Innocent action. And I am very sorry that Mr. *Busby's* Passion should make him betray either so much Levity or so much Guilt, as now in his Old Daies to feare a *Whipping*, as it were by way of Retaliation, for those many sharp severities he hath used to others.

To the third I Answer, That your Honours told me the *Assistant* was to be under my Jurisdiction, and that he was there in the Quality only of a *Monitour*, and not of a *Master*. And therefore I am very sorry, that I did so much decline my own Authority, as not aloud to command him silence my self, without using the Ceremony of sending his fellow *Monitour* to desire it of him.

To the fourth I Answer, That I can speak it with a cleare Conscience, that none ever had a greater care of all his Scholars, indifferently whether poor or rich than my self; and therefore hope your Honours will please to Repaire me against Mr. *Busby*, since he doth not feare not only to Accuse me of so Great a Crime, but likewise endeavours so slenderly to prove it by the Testimony only of one Youth, who ran away from School long since without my knowledg, and, by severall Witneses, hath been proved to have been long before my time, a Notorious Truant. So that what satisfaction Mr. *Busby* is to make me for this scandall, I must humbly remit unto your Honours.

But to give a more full Answer, I say that I do and alwaies did think, that the Scholars of the Foundation ought to be Taught for Nothing; It may perhaps become your Honours Care to enquire how they have been dealt with as to that particular. And if the Burthen be found too great, I do humbly desire that I may alwaies have the one half of them under me; that I may manifest how willing I am to performe that part of my Duty; and how free I am from the least Imputations of Covetousness.

As for the other Scholars, they are by *Statute* commanded to pay for their Teaching; so that if we remit it to them, it is a Guilt, for which their Parents ought to Thank us, and not a Debt which they can challenge. Though truly should I be to wretchedly fordid, as either to Refuse or to Misuse any (for I have known that it hath been even in this place, and by the same Person who now accuses me too often practised) upon that score, I should think my self Unworthy to live any longer here, and so save your Honours the Trouble of a Condemnation.

To the fifth I answer,----That the School being new built, was so Raw, and the Weather so extreemly Cold, that I did provide a Fire for my Scholars in an Out-room, and taught them there for an hour only in the Morning; Which if it be a Crime, then Compassion, Care, and Charity are Criminall; and I am glad that I am proved Guilty of them.

As for the Inconveniencies which Mr. *Busby* saies would arise to the School from hence, I had so provided against them, both by their short stay, and my speedy Return, that they could not be of any great Moment. Mr. *Busby* hath indeed fixed upon one, which I believe your Honours never dreamed of; his words were these,----*That by commanding my Scholars to my Chamber, I did thereby shew a Disrespect to your Honours Order about the Assistant: as if I were now more unwilling to Teach in the School than formerly, because I saw the Assistant there above me.*---*Hinc illæ lachrymæ.*

This then it seems is the Height of my Offence, that I thought my self injured by Mr. *Busby*, and yet had the presumptuous Boldness to appeare unsatisfied. But certainly I must be Tried by a New Law of Mr. *Busby's* making, if I must not only Digest and beare with Wrongs, but likewise be obliged inwardly to Approve them. I thought it had been enough to Weare my Fetters, Mr. *Busby* did expect that I should have danced in them. I did indeed submit to, but I did not know that I was to have hugged my Dishonour.

I will therefore take so much of this Fault upon me, and say; that as no Man either hath more Reason to be, or is indeed inwardly more Discontented; yet I think none ever hath Outwardly less expressed it. Which I cannot so much attribute to the Perverseness of my Temper, as to my Care; for I am very unwilling

to

to give any of my Enemies the Pleasure of seeing me Troubled.

But let Mr. *Busby* diminish me how he pleaseth, and call me Usher; yet I must remember, that by the Statutes, I am joyned in Commission with him, and am otherwise his equall.

Let him Dignifie Mr. *James* as much as he will, and of an *Usher* make him his *Assistant*; yet I must not, I cannot forget, that the same Person was not long since my Inferiour in the School, and is still my Juniour in the University.

To see Mr. *Busby's* Usher therefore advanced above me, and a greater Respect publickly paid him than I ever had, or did pretend to, must certainly be a very unpleasing Spectacle; since it did daily rubbe the sore, and kept the Wound from Closing. For this *Assistant* doth not so much proclaim Mr. *Busby's* Victory as his Triumph; and is only a Trophee erected to my Dishonour.

Though therefore I will not wrong my forementioned Ends so much, as to say I once thought of Mr. *Busby's* *Assistant*, yet if I had retired from this sight, and totally abstained from the School, this could not Civilly have been otherwise Interpreted, but that I was Vanquished and had therefore quit the Field; and was not willing to Dispute the Place any longer. For quietly to withdraw, and silently to keep in ones Discontents; this Argues nothing but a settled Patience, and concludes nothing but the merit of a Passive Obedience.

And this is my Answer to the Articles.

I shall conclude with Mr. *Busby's* Petition, *That your Honours will please to prevent the Disorder and Ruine of the School*; that is, as I interpret it, that your Honours will please to Restore things unto the same Condition, in which the Schoole, through the Blessing of God, hath so long Eminently Flourished. For if the Beginings of that Change have begot so many Disturbances, it may justly be feared that the Continuance of it will only Increase and Heighten them.

This Speech, had Mr. *Busby* said to have heard it out as I earnestly desired, perhaps it might have allayed his Fierceness; but at the very beginning, when I pronounced the word *Altor*, Mr. *Busby*, without any leave, went out of the Committee-Chamber; though I meant it innocently for an *Altor* in a Cause, and not for an *Altor* of *Crastander*.

But the Governours were either so farre satisfied, or at least, so farre convinced that Mr. *Busby's* Articles were Impertinent, as they wholly waved them; and yet being willing some way to Gratifie Mr. *Busby*, they resolved however to

remove me; as not imagining perhaps, that any could have good Nature enough to forgive Mr *Bushy's* severe Prosecution, which was exasperated by so many Unhandsome and Provoking Circumstances.

My removal being thus concluded on, it was a long time before it could be resolved upon what Ground to bottom such a Proceeding; I having fully clear'd my self from what Mr *Bushy* had hitherto alleged, and being ready to answer whatever either he or any else could further put in against me: At last after six or seven hours debate, it was resolved, that my Title should be questioned; and though many of the *Governours* * were ready, and did offer to protect against that Appearance of Unequal dealing, yet their Protestations were not accepted.

* Lord *Bradshaw*.
St James Harrington.
D^r Stephens.

M^r Say.
M^r Browne.
M^r Edwards, &c.

It might perhaps have startled a better Temper than mine, into some words of Impatience, to see so many Honourable Persons, in favour of Mr *Bushy*, agree to Question, what they themselves had Confirmed; but being called in to show what Title I had to my Place, I only desired that I might have a Month's time to collect my Evidences together, the greatest part of which, out of Confidence that my Title was very good, I had omitted to keep by me.

Upon this the major part of the *Governours* did agree upon this Order,

Decemb. 1. 1657.

It is this day ordered, That Mr. Edward Bagshawe, have Time given him untill the next Election, to make good his Title unto the Under Masters place, and in the mean while to be suspended from the School and Chambers.

Immediately upon the Receipt of this Order, I repaired to Serjeant *Maynard* and Mr *Beire*, two most Eminent and Able Lawyers of the *Middle-Temple*, to whom I represented what I was able to produce in defence of my Title, and asked their Advice, what I should do in this Business.

The Case as I then stated it, and since delivered it before the *Governours*, was as follows.

Mr. Bagshawes Title to the second Masters place of Westminster School.

The *Governours* of *Westminster School* by the Act of Parliament which constitutes them, are obliged to Govern the School and the members of it, according to the Statutes of the School.

By those Statutes there are to be two Masters, both which are to be chosen by the Dean of *Christ Church* in *Oxford*, and the Master of *Trinity Colledge* in *Cambridge*, with the consent of the Dean of *Westminster*:

minister: which place is now supplied by the Governours.

According to this Statute, at the Election in *May 1656*. Mr. *Vincent* the then second Master, came to the Electioners and offered to Resign his Place; declaring that he was troubled with an incurable Infirmity, which had a long time disabled him from the discharge of his Duty; and withall entreated that Mr. *Bagshawe* might be his Successor, of whom he gave a very large and obliging Character.

Upon this the Reverend Dr. *Owen* the Dean of *Ch. Church*, there present, and whole Turn it was to Chuse, did publicly Elect and Nominate Mr. *Edward Bagshawe* unto that Place of second Master; with the Consent and Approbation likewise of the Electioners of *Trinity Colledg.* attested under both their Hands.

The Governours hereupon did presently so farre accept of Dr. *Owen's* Choice, that on *June 19. 1656.* they made an Order to admit Mr. *Bagshawe* to Officiate in Mr. *Vincent's* Room, by way of Probationship untill *Nov. 2.* following. And Mr. *Vincent* had all that Time given him for the recovery of his Health.

When that time was expired, and Mr. *Vincent* found no Amendment, he came to the Governours, and finally gave up his Place; again recommending Mr. *Bagshawe* for his Successour, and Enlarging his Testimony concerning him.

Whereupon the Governours did Absolutely enstate Mr. *Bagshawe* in that Place of Second Master, by an Order dated *December 4. 1657.* Wherein are Express Clauses, that Mr. *Bagshawe* was appointed to succeed Mr. *Vincent*, and to enjoy all the Profits, Privileges, and Immunities of the place, the same Diet, Salary, and Lodgings in as Full and Ample a manner, as Mr. *Vincent* his Predecessour had and enjoyed the same.

After this Order of Confirmation, Mr. *Bagshawe* did constantly performe the Duty of his Place, (nor is any Failer herein, so much as Objected to him) he hath received the Salary, enjoyed the Profits, and the Stipend due to it hath been Quarterly paid him by the Governours Orders; in above a Dozen of which he hath been acknowledged and stiled *Second Master*; and at the Election last, viz. *May 1657.* he was so owned publicly by all the Electioners.

Yet now the Governours have proceeded to suspend Mr. *Bagshawe* for want of Title, although by the Statutes the *Deane of Westminster*

alone hath no power over either of the Masters, without the Consent of the Electioners of Oxford and Cambridge; and then only at the Election, and that after Admonition.

The Questions hence are Two,

1. Whether Mr. Bagshawe's Title be not Good and Legall? ^a
 2. Whether the Governours Order of Suspension, being at an Undue Time, and made only by their single Authority, be not Illegall.
- The Proofs which I then alleadged, and since produced for Confirmation of every Circumstance in that Case, were these.

1. The Statute concerning the Election of the Masters, the words of the Statute are.

Duo sint Præceptores, quorum jurisdictioni omnes in Scholâ Discipuli subiecti sunt.

Hos Præceptores alternis vicibus eligant Decanus Eccle. Christi Oxon, & Magister Coll. Trin. Cant. cum Consensu Decani Westmonasteriensis.

2. The Statute concerning the Masters Admonition and Expulsion.

Volumus singulis Annis Discipulorum Electione finitâ, ut Decanus Westm. & Reliqui Electores, de Præceptorum Vitâ, Religione, & in Pueris, tam Doctrinâ quàm Moribus, instituendis, diligentia & curâ inquirant: Hos, si negligentes invenerint, ad se vocatos admoneant, Admonitionem verò statim in Collegii Commentarios referant, & nisi se probè emendaverint, maioris partis Electorum iudicio, tempore Electionis revolutò, loca moveantur: At si quem illorum gravi aliquo & enormi crimine irretitum invenerint, hunc Decanus Westm. cum Assensu Trium Reliquorum Electorum, Collegio sine Morâ expellat.

3. The Reverend the Dean of C. Church's Nomination.

These are to Testifie that Mr. Vincent the then second Master of Westminster-School, offering to Resigne his Place at the Election, in the Year 1656. I did then Publickly Nominate and Chuse Mr. Edward Bagshawe Master of Arts, and Student of Ch. Church, unto that place of Second Master. And I do declare, that the said Mr. Bagshawe hath a good a Title unto that place, as my right of Nomination could give him.

him. In witness whereof I have set to my Hand, this 18. day of Decemb.
1657.

John Owen Dean of Ch. Ch. in Oxford.

4. The Consent of the Electioners of Cambridge unto that Nomination.

I remember that presently after the Election at Westminster in the Year 1656. I gave Mr. Edw. Bagshawe a Testimoniall under my hand, of his Fitness and sufficiency to be Under Master or Usher of Westminster-School. In witness whereof I have Subscribed my Hand this 23. of Decemb. 1657.

James Duport Vice Master of Trin. Col. in Camb.

I remember that I being Electioner at Westminster in the Year 1656. did Subscribe the same Testimoniall with Mr. Duport.

John Templer Sen. Fell. of Trin. Col. in Camb.

5. The Governours Order for Mr. Bagshawe to Officiate in the Room of Mr. Vincent.

June 19. 1656.

It is this day Ordered, that upon Mr. Vincents Recommendation, Mr. Bagshawe be admitted to Officiate for him, untill the second Thursday in Novemb. following.

6. The Governours Order for Confirming Mr. Bagshawe in the place of Second Master.

Decemb. 4. 1657.

Whereas Mr. Vincent hath declared to the Governours, that through some Infirmitie of Body, he is not able to go through with his Charge, and is therefore willing to Resign his Place of Usher or second Master to the School of Westminster; and the Governours being satisfied with the Abilities of Mr. Edw. Bagshawe, to perform the Duties incumbent on the said Place, do therefore Order, That Mr. Bagshawe be the Person to succeed in the Room and Place of Mr. Vincent, and that he shall enjoy the same Salary, Diet, Lodgings, and all other Lawfull Profits and Immunities, in as full and ample a manner, as Mr. Vincent his Predecessour had and enjoyed the same.

Those Eminent Lawyers whom I consulted, having perused this Case and the Proofs annexed, did give their Judgment in Answer to my two Questions, in manner following.

I. I am

1. *I am of Opinion that Mr. Bagshawe hath been lawfully Elected unto his said Place, to be the second Master of that School of Westminster, by the Governours Order of Consent without any Patent.*

2. *That his Suspension is Illegal, being thereby deprived of an Estate of Free-hold without any just Cause.*

William Conyars.

I conceive the Nomination Good, and the Removall without a Cause is not Good.

J. Maynard.

I conceive that Mr. Bagshawe hath a good Title to the place of second Master of the School of Westminster, by the Order of Assent above mentioned, and that the Election maketh the Title, and the said Order of Governours is in Judgment of Law first a Nomination, and then a Confirmation of the said Mr. Bagshawe to the said place of the second Master in Room of Mr. Vincent; and that a Patent is not of any Necessity, but only to testifie his Election and Confirmation to the Place; like unto a Copyholder, whose Title is good by his Admittance upon the Rolls of the Manor, albeit he never had any Copy thereof.

And I conceive the Order of of Suspension to be against the Law, being without any Cause for it for any thing appearing, and the place in which M. Bagshawe did officiate is his Free-hold, of which he ought not to be ousted but by the Law of the Land, and also by the Express Words of the Statutes of the Colledge, and after Admonition.

George Beire.

It was for these Reasons, and upon the Authority and Advice of those Able Persons, that I continued in the School, after I had received the Order of Suspension, as being loath either to Forfeit my own Right, and to seem to consent to my own undoing, over whom as second Master the Governours alone had not a Power of Admonition, much less of Suspension: or to Betray the Rights of the Electioners of Oxford and Cambridge, which I had done, if without consulting them first, I had submitted to any thing which was not backed with their concurrent suffrages.

That which followed, notwithstanding the clearness of my Title, concerning Mr. Busby's commanding his Scholars, in an Insolent and Ignominious manner, to thrust me out of the School; his Deputing an undergraduate of Cambridge to supply my place; and at last his procuring my staircase to be cut down, thereby to hinder my access unto my Chamber: These, besides the Injustice of them, were Abuses of that Vile and Unmanly Nature, that as I cannot think of them without blushing, so I should not mention them, but that I would mind my self, how much cause I have to bless God for enduing me with so extraordinary a measure of Patience, as did enable me cheerfully to undergo the weight of so much Publick Reproach and Ignominy.

When

When the time of my Suspension was expired, which was to last till the Election *May 1658*. I had then Liberty given me to come and to prove my Title, which I did, by delivering the substance of what is before related; and did yet further confirm it by many Parallel Cases which were suggested to me by Counsell. But at last, perceiving that no Arguments would prevail, there being still an Intention to keep me out of Possession; and finding likewise that my Attendance sometimes eight or ten hours together, did much impair my Health, and threatned me with a Relapse into a Fever, from which I was but then newly recovered; and hearing likewise from the *Governours* own Testimony concerning me, that I had done enough, as to them, both to Clear and Secure my Reputation, which was the principall thing I cared there to preserve; therefore on *May 16. 1658*. I took my leave of the *Governours*, and of the Controverfie in this concluding Speech;

May it please your Honours:

I Am now come to put an End both to your Honours Trouble and my own; but before I do absolutely quit my Right, I humbly crave leave to propose some few things unto your Honours consideration.

If I understand my own Case aright, it can be measured onely by Rules of Justice, Equity or Convenience. And I think I have very much to say for my self from all these.

First, For the Justice of my Cause, I have already declared at large, what the Best Counsell in *England* tell me is Law in the Case; and besides since here are present our Reverend Dean who chose, and your Honours who confirmed me, how any now should pretend my want of Title I cannot imagin.

But that every man's Conscience, if any here be so over-scrupulous, may be satisfied, I am advised by my Counsel humbly to offer

1. That the Counsel on both sides may agree upon the stating of a Case between Mr. *Busby* and my self; which shall forthwith be presented to the Judges, or to any two of them, and their Decision shall, as to me, be absolutely submitted to. Or else.

2. That I may have leave to bring my Action of the Case against Mr. *Busby*; wherein by mutuall consent we will agree to cut off all Forms of Pleading, and onely proceed to that speciall matter which concerns my Title: in order to which, because I much long for a speedy Issue, I will forthwith withdraw my Action of Battery which I have already commenced against Mr. *Busby*, and is now ready for a Trial.

I hope the Design is not to Tire me out with the Delay and Charge of Law-suits, in which I am neither able to Vy with Mr. *Busby*, nor willing to Contend against your Honours. But if the single and impartial desire of finding out of Truth, be the End of all this Dispute, then either of these Proposals will soon put an Issue unto it.

Secondly, If Equity be our Rule, I must then crave leave to mind your Honours of what I once observed in *Polybins*, who treating how we may judg of the Lawfullness of a Warre, doth advise us carefully to distinguish between the *Apex* and the *Alia*; the *Occasion* and the *Cause*: that being oftentimes the *Occasion* of a Warre, which is not at all the *Cause* of it. What that Author speaks of Warre, may be applied to all Civil Controversies, and I shall make use of his Distinction in this Contest of mine.

I stand already Suspended, and, for ought I know, am to be Expelled. The Reason pretended is, my want of Title, but your Honours know very well, that was not at all the *Cause*: since I might to this Day have quietly enjoyed my Place, if I would have submitted to Mr. *Busby*'s Arbitrary and Unstatutable Impositions.

Here then I must entreat your Honours to be Equall Judges between us, and to Resolve, whether I, who did onely Civilly decline what did not Statutably become me to beare; or Mr. *Busby*, who would Authoritatively impose what did not Statutably become him to do, doth most deserve your Censure.

Yet this, and nothing else, was the True Ground of our Difference. In prosecution of which, I blush to think, and therefore am ashamed to repeat, how many Unhandsome things I have suffered from Mr. *Busby*. And, which is more strange, Mr. *Busby*, notwithstanding my Patience, would have me counted Ingratefull: and he himself, notwithstanding all his Violence, would still appear Tender: that is, he would every way undoe me, by ruining me first, and then taking from me the common Relief of all Calamity, Pity. I have read of Cruell Mercies, and I have heard of killing with Kindness, whether Mr. *Busby*'s Tenderness be not of the same Nature, I must humbly leave to your Honours to determine.

Lastly, If any Argument for my Expulsion be alleged from Convenience, I must needs say, that I cannot look upon Convenience as a Rule of Justice; nor have the Statutes given that Liberty,

tv, that one Master should be turned out for the Convenience of another.

However, if the Reformation of the Colledge, and Prosperity of this Place, may, by my Absence, be best accomplished: God forbid, that I should preferre my Private Interest, of what Concernment soever, before a Publick Good: I thank God I have not so ill learnt the very first Principles of Christianity, the very Basis and Foundation of which is Self-Denyall.

Therefore if I be so unhappy as to be conceived an Obstacle unto your Good Intentions; or if, while I am here, you will not please to redress those Abuses, which yet you had never known had not I discovered them, then---the Reverend and Worthy the Dean of *Ch. Church* doth fully understand my Purpose, into whose hands I do give up the Entire Disposing of that Place, which I received from him: and humbly entreat him onely to Consult the Good and Convenience of the School, though I be made a Sacrifice.

Upon this I retired, and the Reverend the *Dean of Ch. Church*, after a Violent and Earnest Contention on my behalf many daies together, in which he was seconded only by my Lord *Bradshaw*, Mr *Browne*, and Dr *Stephens*, on the *Governours* Part; and only by Mr *Cole* his *Assistant*, on the *Elefioners*,---he did at last declare that I for peace sake was willing to resign my Place, and so proceeded to the Nomination of another.

Within few daies after the *Governours* thought fit to revoke their Order of an *Assistant*, to Mr *Busby* as Unstatutable; the Desiring of which at first, was the Occasion of this Unhappy Controversie; and all those Priviledges which by the Statute, belong to the Second Master, and in the Claime of which I miscarried, have been since by the *Governours* Voluntarily conferred on Mr *Littleton*, my Learned and Worthy Successor.

Here I shall conclude my Narrative, Out of which none can but see that I have plentifull matter to Answer unto Mr *Pierce's* Scandalous Charge of *Ingratitude*; for I leave it to every indifferent Man to judg whether Mr *Busby* himself hath not took from me all possibility of being Gratefull; since he hath pursued me so thick with Injuries that *Gratitude* now would look like *Guilt*.

Yet I confesse that I am neither Able nor willing to forget either my Relation or my many former Obligations to Mr *Busby*, though whilst I remember in how many Various and Uncouth waies he hath of late sought my Undoing, the remembrance of his Former Kindness, doth only serve to make his greater load of Unkindness more sensible and pressing.

For Mr *Busby* hath not only affronted my Person, but as much as in him lay,

which he hath constrained my Fortune, and seized upon my Place as a Prey
I should not cry to his own Corrupt and Ambitious Humour: So that
I am a Series of strange Uncommon Injuries, and being thus provoked by
him, I do at last appear to justify my self, and to bear Witness against his
Oppression, Injustice and Tyranny; I think the World will not so much
count me Ingratefull for doing it, as Unhappy in that I cannot help it.
For he that after so many Indignities, as I have suffered, and now at last is so
maliciously reviled, yet still resolves to be silent, doth onely Tacitly consent to his
own Shame; and in the end will find; that Tame and Stupid Sufferance, doth not
so much make a Man's Patience and Gratitude commended, as his Cause and Inno-
cence suspected.

P I N I S .

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